

which may be a first color or a low transmittance state, and a second transmittance state, which may be a different color or a high transmittance state. In one embodiment of the invention, the photosensitive layer is in the first transmittance state under ambient interior lighting conditions and changes to the second transmittance state upon illumination of the light source. For example, the photosensitive layer may be a first color under ambient interior lighting conditions and change to a second color upon illumination of the light source. Alternatively, the photosensitive layer may be darkened under ambient interior lighting conditions and become translucent upon illumination of the light source due to the emission of electromagnetic radiation, such as infrared radiation, from the light source. The architectural lighting fixture of the invention is adapted to be mounted to any non-moving structure, e.g., a building or in the ground, and includes means for mounting the housing to the non-moving structure.

Claims 12, 14, 15 and 18-20 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by commonly-owned U.S. Patent No. 5,228,767 ("Johnson"). Claims 13, 16, 17, 21 and 22 were rejected under 35 U.S.C. § 103 as being unpatentable over Johnson in view of McBain et al. ("McBain"), U.S. Patent No. 4,994,208. As discussed in detail below, neither the Johnson nor McBain patents, taken alone or in combination, teaches or suggests a number of claim limitations. Consequently, the rejections under §§ 102 and 103 are believed to be improper and should be withdrawn.

Johnson, which is the primary patent relied upon by the Examiner, relates to a headlight lens that is fabricated from photochromic glass that darkens when subject to UV radiation. At night, in the absence of UV radiation, the lens is transparent so that light is emitted from the headlight. During the day, when UV radiation is present, the lens is darkened. The

McBain patent is cited as teaching the use of a photochromic material which turns from a colored state to a transparent state under exposure to white light.

New claims 23-28 relate to a "photosensitive interior lighting fixture." The claimed photosensitive interior lighting fixture includes the limitation of "a photosensitive layer . . . having a first transmittance state and a second transmittance state, the photosensitive layer being in the first transmittance state under ambient interior lighting conditions and changing to the second transmittance state upon illumination of the light source." The Johnson patent, taken alone or in combination with the McBain patent, does not teach or suggest these limitations. In the first instance, it is unclear at all from the Johnson patent whether the Johnson headlight would be in a darkened condition or a clear condition under "ambient interior lighting conditions." This is because the Johnson device is for exterior use only, on a moving vehicle. Johnson is unconcerned with changes in the transmittance of a photochromic lens in interior conditions since the Johnson device would not normally see such use. As a result, the Johnson patents makes no suggestion whatsoever of the presently claimed device. Moreover, there is no mention in the Johnson patent that the photosensitive layer would change to the second transmittance state upon illumination of the light source since in the Johnson patent the absence of sunlight causes this change.

The Johnson device is also significantly more limited in scope and applicability than the device of the present invention. Using the device of the present invention, architectural lighting fixtures may be developed which emit light of differing colorations for aesthetic purposes. As a result, the lighting fixture of the invention may be used to obtain unique architectural effects that are not taught or suggested by the Johnson patent, which is limited

solely to a headlight that changes from a tinted state to an untinted state. Neither of the cited documents teaches or suggests a lighting fixture that is in a first transmittance state under ambient interior lighting conditions and changes to a second transmittance state upon illumination of the light source.

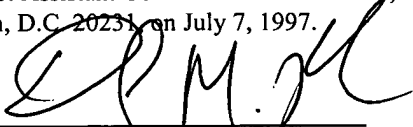
Claims 30-38 more broadly relate to a photosensitive lighting fixture that is mounted to a non-moving structure, and that may therefore be used for residential, industrial, outdoor or other architectural applications. This claim includes the limitation of means for mounting the housing to a non-moving structure. In contrast, the Johnson device is limited to attachment to a vehicle, which is obviously a moving structure. Moreover, there is no suggestion in the Johnson patent of the vast array of application that the photosensitive lighting fixture of the invention may be utilized, such as architectural applications in which colored photochromic lighting fixtures are desired, etc. In particular, Johnson makes no mention of the use of different colored appearances in the light fixture or the use of the light source itself to affect the coloration or transmittance of the light fixture.

Finally, claims 39-42 relate to an application of the invention in which electromagnetic radiation from the light source causes the transition to the second transmittance state. In the Johnson device, this transition results from an absence of sunlight, and no suggestion is provided for a device in which EM radiation from the light source causes the transition.

For the foregoing reasons, applicant believes that the present application is in condition for allowance and respectfully requests such action. If any outstanding issues remain herein, the Examiner is respectfully requested to telephone the undersigned at (212) 692-1893 to expedite the resolution of such issues.

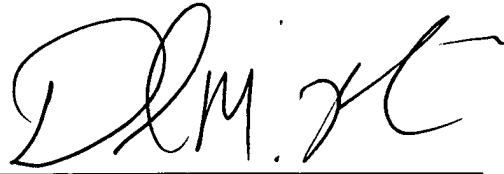
Respectfully submitted,

I, David M. Klein, hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on July 7, 1997.



Signature

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